

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

V.

DOMINICK P. CAROLLO,
STEVEN E. GOLDBERG, and
PETER S. GRIMM,

Defendants.

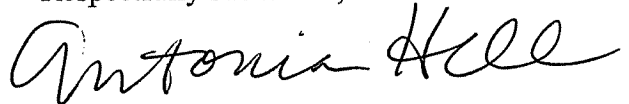
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The United States respectfully moves this Court for a Second Supplemental Protective Order regarding disclosure of certain tax materials to Defendants. Defendants consent to the entry of this Order.

DEIRDRE A. McEVOY
Chief, New York Field Office
Antitrust Division
U.S. Department of Justice

Dated: New York, New York
March 28, 2012

Respectfully submitted,



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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	
	:	
DOMINICK P. CAROLLO,	:	S1 10 Cr. 654 (HB)
STEVEN E. GOLDBERG, and	:	
PETER S. GRIMM,	:	
	:	
Defendants.	:	
_____	X	

SECOND SUPPLEMENTAL PROTECTIVE ORDER

WHEREAS, on August 19, 2010, this Court entered a protective order in this case (“August 19 Protective Order”);

WHEREAS, on December 6, 2010, this Court entered a supplemental protective order in this case (“December 6, 2010 Protective Order”); and

WHEREAS, Defendants have requested production of certain tax-related material from the Government;

Upon consideration of the Government’s Motion for a Second Supplemental Protective Order (“this Order”), and with consent of the Defendants,

IT IS HEREBY ORDERED, pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure and pursuant to Title 26, United States Code, Section 6103(h)(4)(D), and in due consideration of the congressional policy favoring the confidentiality of tax returns and tax

return information as set forth in Title 26, the aforementioned August 19 Protective Order and December 6, 2010 Protective Order are supplemented as follows:

- 1) In addition to the other discovery materials in this case, the Government may produce redacted versions of confidential tax returns and taxpayer return information, within the meaning of Title 26, United States Code, Section 6103(b), and tax return and taxpayer return information received from individuals (collectively, "tax materials").
- 2) The tax materials to be produced by the Government may be used by the Defendants, Defendants' counsel and any employees or agents of the Defendants' counsel solely in defense of this case.
- 3) Defendants, Defendants' counsel and their employees or agents will not disclose tax materials directly or indirectly to any person except the following individuals and for no other purpose other than in connection with the defense of this case:
 - a. independent expert witnesses or expert advisors retained by the Defendants or their attorneys;
 - b. potential witnesses; and
 - c. such other persons as hereafter may be authorized by the Court upon *ex parte* application by the Defendants.
- 4) The tax materials to be produced by the Government will not be copied or reproduced unless the materials are copied or reproduced for authorized persons to assist in the defense, and in the event copies are made, the copies shall be treated in the same manner as the original materials.

- 5) When providing the tax materials to an authorized person, the Defendants' counsel must inform the authorized person that the materials are provided subject to the terms of this Order and that the authorized person must comply with the terms of this Order.
- 6) All persons to whom tax materials are provided by defense counsel consistent with the terms of this Order shall, at the conclusion of the trial in this matter, or sooner in defense counsel's discretion, return the documents to defense counsel. With respect to the tax materials subject to this Order that may be maintained in the files of defense counsel and Defendants, at such time as the tax materials are no longer needed for this criminal action, at the end of the criminal proceedings (including final resolution of any appeal), or upon Order of the Court, whichever occurs first, all tax materials will be returned to the Government. In lieu of returning the tax materials to the Government, Defendants' counsel may provide the Government with a signed statement that the original set of tax materials, and all copies made from the original set, have been destroyed.
- 7) The provisions of this Order shall not be construed as preventing the disclosure of any information in any motion, hearing, or trial held in this action or to any Judge or Magistrate Judge of this Court for purposes of this action.
- 8) If any Defendant is provided a copy of any tax materials covered by this Order, that Defendant's counsel will inform the Defendant of the provisions of this Order, and direct him not to disclose or use any tax materials from the Government in violation of this Order. However, nothing contained in this Order will preclude any party from applying to the Court for further relief or for modification of any provision thereof.

March __, 2012

SO ORDERED:

THE HONORABLE HAROLD BAER JR.
UNITED STATES DISTRICT JUDGE